


EXHIBIT F

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FILED
San Francisco County Superior Court

DEC 31 2018

CLERK OF THE COURT

BY:  Deputy Clerk



SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

Coordination Proceeding
Special Title (Rule 3.550)

JCCP No. 4955

CALIFORNIA NORTH BAY FIRE CASES

~~STIPULATION AND [PROPOSED]~~ CASE
MANAGEMENT ORDER 6 RE:
PREFERENCE CASE PROTOCOL

Assigned for All Purposes to:
Hon. Curtis E.A. Karnow, Dept. 304

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

This Case Management Order shall govern all cases filed in or transferred to California North Bay Fire Cases, JCCP 4955, including all cases currently in this proceeding and any cases subsequently added to this proceeding. The Court anticipates, given the large number of filings in this JCCP and the factual nature and complexity of the claims at issue, that multiple plaintiffs may be interested in pursuing a preferential trial setting. The purpose of this Case Management Order is to establish a preference case protocol to facilitate the exchange of information related to cases potentially eligible for preferential trial setting.

The Court hereby Orders as follows:

1. A Preference Committee for Individual Plaintiffs is hereby established to review potential preference cases and advise the submitting Plaintiff's counsel as to the viability and sequence of any potential filings. The Preference Committee shall consist of the following members of the Individual Plaintiffs' Executive Committee and shall report to (Co-Lead and Co-

1 Liaison Counsel): Thomas Brandi, Amy Eskin, Max Schuver, Mary Alexander, Allison Cordova,
2 Angela Ja Chun, Matt Skikos, Joanna Fox, Steven Berki, and Ahmed Diab.

3 2. The Preference Committee shall meet regularly and report to Co-Lead and Co-
4 Liaison counsel for Individual Plaintiffs and shall be available for consultation as a group with any
5 individual plaintiff's counsel. For this purposes of compliance with this Order, the Preference
6 Committee obligations are to all plaintiffs in the litigation and the litigation as a whole.

7 3. The Preference Committee shall be responsible for meeting and conferring with the
8 defendants regarding potential preference cases including briefing scheduling, setting of hearings,
9 and coordination of discovery. These meet and confer efforts with Defendants will also include
10 the Attorney for the Plaintiff moving for Preference.

11 4. The Preference Committee shall submit to all counsel a preference questionnaire
12 which shall be completed by the submitting Plaintiff's counsel who seeks to present a case to this
13 Court for preferential trial setting. Given the large number of cases potentially eligible for
14 preferential setting, counsel for any individual plaintiff seeking preference shall complete the
15 preference questionnaire and provide it to the Preference Committee.

16 5. Any plaintiff's counsel who, at any time, represents a Plaintiff that has a good faith
17 basis for asserting entitlement to a preferential trial setting under Code of Civil Procedure § 36
18 must provide written Notice to the Preference Committee of their potential claim of preferential
19 trial setting eligibility at least 21 days before a motion for preference can be filed. At the time this
20 Notice is served, the submitting Plaintiff's counsel shall also produce to the Preference Committee
21 the following: (a) Grounds for Preference – A written statement setting forth in detail the grounds
22 for preferential trial setting and the facts supporting preference including the name of the plaintiff;
23 (b) Records – Any medical and/or other records which the Plaintiff moving for Preference
24 intends to submit to the Court to support the request for preferential trial setting, which will be
25 uploaded on a secure document portal managed by Brown Greer to maintain security; (c)
26 Declarations – Any and all declarations in support of the request for preferential trial setting (d) a
27 completed CMO Compliance statement as required by CMO 5 uploaded to the BrownGreer portal
28 and (e) a completed preference questionnaire as set forth in paragraph 4 above. If the Plaintiff

1 moving for Preference has exigent circumstances that warrant an expedited process, these
2 circumstances are to be presented to the Preference Committee at the earliest opportunity. If good
3 cause exists, the attorney for the Plaintiff moving for Preference, Lead Plaintiffs' Counsel, and
4 Defendants' Counsel will meet and confer as soon as practical.

5 6. To the extent that a proposed plaintiff preference request has a corresponding
6 Subrogation claim, Subrogation Leadership will be included and consulted as well.

7 7. Upon receipt of Notice(s) of potential claim(s) for preferential trial setting, the
8 Preference Committee shall review and confirm that each request is complete and compliant with
9 the preference protocol pursuant to C.C.P. § 36 and ready for meet and confer with Defendants.
10 The Preference Committee shall communicate the findings of their review to the submitting
11 Plaintiff's Counsel within 7 days of receipt of Notice.

12 8. Once a review of a request for preferential trial setting is deemed complete,
13 pursuant to paragraph III above, the Preference Committee, or the submitting Plaintiff's Counsel if
14 s/he disagrees with the Preference Committee's findings, shall provide Defendants with Notice
15 regarding the preferential trial setting request(s) and the supporting materials to be submitted with
16 the anticipated Preference motion(s) including any medical records and /or declarations that will
17 be submitted. Plaintiffs and Defendants shall meet and confer within 7 days regarding the briefing
18 and potential deposition schedule for each request for preferential trial setting. Any unresolved
19 disputes amongst the parties regarding preferential trial settings will be decided by the Court upon
20 the filing and hearing of a Motion for Preferential Trial Setting pursuant to C.C.P. § 36.

21 9. Counsel for the plaintiff bringing the preference motion shall be in compliance with
22 the CMOs of this Court.

23 10. After the procedure followed in this Preference Protocol is completed, any attorney
24 representing a Plaintiff in this case may proceed with the filing of a motion for preference under
25 California Code of Civil Procedure section 36 if that attorney believes it is appropriate to do so

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27 **IT IS SO ORDERED.**
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Dated:

12/18/2017



Hon. Curtis E.A. Karnow
Judge of the Superior Court